



STATE OF WASHINGTON  
WASHINGTON STATE BOARD OF HEALTH  
*1102 SE Quince Street • PO Box 47990  
Olympia, Washington 98504-7990*

January 21, 2004

The Honorable Alex Deccio, Chair  
Senate Health & Long-Term Care Committee  
213A Irv Newhouse Building  
Post Office Box 40414  
Olympia, Washington 98504-0414

Dear Senator Deccio,

I am writing as chair of the Washington State Board of Health to express my support for Senate Bills 5876 and 5791, which your committee is scheduled to hear tomorrow. I would also like to offer some minor technical comments about the bills.

Currently, some public places, namely restaurants, taverns, bars, skating rinks and bowling alleys, are exempt from the Clean Indoor Air Act ban on smoking in public places. SB 5791 would remove that exemption statewide. SB 5876 would explicitly allow cities, counties and towns to enact broader local restrictions.

These are very different approaches to the same problem. The Board's policy goal is to reduce the toll of death and disease brought about by exposure to environmental tobacco smoke—and the Board endorses any and all efforts that would achieve that end. The Board would favor a statewide ban as the best way to achieve this, but conversations with local boards of health across the state have convinced us that many local communities across the state are poised to enact their own bans tailored to local community needs.

There is some question about whether the grant of explicit local authority contained in both bills is necessary. The Board believes local jurisdictions, including health jurisdictions, may already have authority to enact local bans on smoking in public places. It recognizes, however, that this is the subject of a complex legal debate. The Board strongly encourages the Legislature to make sure it takes no action that might undercut existing local authority.

Evidence of the harm to people's health from exposure to secondhand smoke is clear. Secondhand smoke is a known carcinogen according to the National Cancer Institute. It contributes to respiratory illness and heart disease. An estimated 53,000 non-smokers die prematurely each year because of exposure to secondhand smoke, making it the third leading cause of preventable death in the country (Glantz, S.A. & Parmley, W., "Passive Smoking and Heart Disease: Epidemiology, Physiology, and Biochemistry," *Circulation*,

1991; 83(1): 1-12; and, Taylor, A., Johnson, D. & Kazemi, H., "Environmental Tobacco Smoke and Cardiovascular Disease," *Circulation*, 1992; 86: 699-702).

As a public health policy board, the State Board of Health is sensitive to economic concerns. We in public health recognize that economics factors—jobs, housing, etc.—influence the health status of individuals and communities. We have been pleased, therefore, to see that several studies in other states have shown that business for restaurants and bars increased when smoking was banned. A July 2003 study by the New York State Department of Labor, for example, found no negative economic impact from a smoking ban in bars and restaurants in New York City. Employment increased by about 1,500 seasonally adjusted jobs in the three months following enactment of the law.

While I recognize that Washington State's economy differs in many ways from states where the impacts of these policies have been studied, arguments about harm to business are at least unproven. The available medical and economic research clearly suggests that removing the current exemption would increase the health and well-being of Washington residents.

My technical comments are these. First, both bills amend RCW 70.160.080(2), which allows local health departments to adopt regulations. This might be better written to specify local boards of health, which are the regulatory bodies, or local health jurisdictions rather than departments. Second, SB 5791 would eliminate existing language specifying a fine for each day of violation. The bill should clarify the kind of incident—each smoking patron, for instance, or each day in which smoking is observed—that constitutes a discrete violation. Otherwise, the bill might be construed as weakening penalties.

Thank you for your attention to this pressing public health issue.

Sincerely, .



Linda Lake, Chair  
Washington State Board of Health

cc: Senate Health & Long-Term Care Committee Members  
Senator Rosemary McAuliffe  
Senator Bob Oke  
Representative Laura Ruderman  
Representative Joe McDermott  
Washington State Board of Health Members  
Jonathan Seib, Committee Staff  
Mich'l Needham, Governor's Office  
Steve Meyer, Department of Health